

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA**AFFIDAVIT FOR SERVICE OF PROCESS ON THE  
SECRETARY OF THE COMMONWEALTH**

Case No.

7:12-cv-00576

FILED

JAN 07 2013

Commonwealth of Virginia

U.S. District Court of the Western District of Virginia - Roanoke Division

JULIA C. DUDLEY, CLERK

BY: Circuit Court

DEPUTY CLERK

Sharon G. Wingate, Executor of the Estate of Douglas

v.

New England Compounding Pharmacy, Inc. d/b/a

Gary Wingate, Deceased

New England Compounding Center,

Medical Sales Management, Inc., and Barry J. Cadden

TO THE PERSON PREPARING THIS AFFIDAVIT: You must comply with the appropriate requirements listed on the back of this form.

Attachments: ☒ Summons and Complaint☐ Notice

I, the undersigned Affiant, state under oath that

☐ the above-named defendant☒

Medical Sales Management, Inc, R/A Gregory Comigilaro

whose last known address is

☐ same as above☒

697 Waverly Street, Framingham, MA 01701

- ☐ is a non-resident of the Commonwealth of Virginia or a foreign corporation and Virginia Code § 8.01-328.1(A) applies (see NON-RESIDENCE GROUNDS REQUIREMENT on reverse).
- ☒ is a person whom the party seeking service, after exercising due diligence, has been unable to locate (see DUE DILIGENCE REQUIREMENT ON BACK)

is the hearing date and time on the attached process or notice

12/10/12  
DATE☐ PARTY ☒ PARTY'S ATTORNEY ☐ PARTY'S AGENT ☐ PARTY'S REGULAR AND BONA FIDE EMPLOYEE

State of Virginia

☒ City☐ County of

Roanoke

Acknowledged, subscribed and sworn to before me this day by John R. Thomas

PRINT NAME OF SIGNATORY

12/10/12  
DATE☐ CLERK ☐ MAGISTRATE ☒ NOTARY PUBLIC

Notary Registration No. 7176245

My commission expires: 4/30/2016

☒ Verification of the date of filing of the certificate of compliance is requested and a self-addressed stamped envelope is provided.**NOTICE TO THE RECIPIENT from the Office of the Secretary of the Commonwealth of Virginia:**

You are being served with this notice and attached pleadings under Section 8.01-329 of the Code of Virginia which designates the Secretary of the Commonwealth as statutory agent for Service of Process. The Secretary of the Commonwealth's ONLY responsibility is to mail, by certified mail, return receipt requested, the enclosed papers to you. If you have any questions concerning these documents, you may wish to seek advice from a lawyer.

SERVICE OF PROCESS IS EFFECTIVE ON THE DATE THAT THE CERTIFICATE OF COMPLIANCE IS FILED WITH THE ABOVE-NAMED COURT.

**CERTIFICATE OF COMPLIANCE**

I, the undersigned, Clerk in the Office of the Secretary of the Commonwealth, hereby certify the following:

- On DEC 28 2012, legal service in the above-styled case was made upon the Secretary of the Commonwealth, as statutory agent for persons to be served in accordance with Section 8.01-329 of the Code of Virginia, as amended.
- On JAN 03 2013, papers described in the Affidavit were forwarded by certified mail, return receipt requested, to the party designated to be served with process in the Affidavit.

SERVICE OF PROCESS CLERK, DESIGNATED  
BY THE AUTHORITY OF THE SECRETARY OF THE COMMONWEALTH